

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UMG RECORDINGS, INC., et al.,  
Plaintiffs,

No. CV-05-5066-FVS

V.

ORDER ENTERING JUDGMENT AND  
PERMANENT INJUNCTION

ROGER KLINGENBERG & TERRY  
KLINGENBERG,

## Defendants.

The Court has reviewed and considered the Stipulation to Judgment and Permanent Injunction executed by the parties, Ct. Rec. 9. Accordingly,

IT IS HEREBY ORDERED:

1. Plaintiffs have alleged that Defendants distributed (including by uploading) and/or reproduced (including by downloading) via the Internet or an online media distribution system copyrighted sound recordings owned or controlled by the Plaintiffs, without Plaintiffs' authorization, in violation of 17 U.S.C. § 501. Without admitting or denying liability, Defendants have not contested Plaintiffs' allegations, and have acknowledged that such conduct is wrongful.

2. Defendants shall pay to Plaintiffs in settlement of this action the sum of \$8729.30.

1       3. Defendants shall pay Plaintiffs' costs of suit (complaint  
2       filing fee and service of process fee) in the amount of \$270.70.

3       4. Defendants shall be and hereby are enjoined from directly or  
4       indirectly infringing Plaintiffs' rights under federal or state law in  
5       the Copyrighted Recordings and in any sound recording, whether now in  
6       existence or later created, that is owned or controlled by Plaintiffs  
7       (or any parent, subsidiary, or affiliate record label of Plaintiffs)  
8       ("Plaintiffs' Recordings"), including without limitation by:

9           a) using the Internet or any online media  
10           distribution system to reproduce (*i.e.*,  
11           download) any of Plaintiffs' Recordings, to  
12           distribute (*i.e.*, upload) any of Plaintiffs'  
13           Recordings, or to make any of Plaintiffs'  
14           Recordings available for distribution to the  
15           public, except pursuant to a lawful license or  
16           with the express authority of Plaintiffs; or  
17           b) causing, authorizing, permitting, or  
18           facilitating any third party to access the  
19           Internet or any online media distribution system  
20           through the use of an Internet connection and/or  
21           computer equipment owned or controlled by  
22           Defendants, to reproduce (*i.e.*, download) any of  
23           Plaintiffs' Recordings, to distribute (*i.e.*,  
24           upload) any of Plaintiffs' Recordings, or to  
25           make any of Plaintiffs' Recordings available for  
26           distribution to the public, except pursuant to a

lawful license or with the express authority of Plaintiffs.

5. Defendants also shall destroy all copies of Plaintiffs' Recordings that Defendants and/or any third party that has used the Internet connection and/or computer equipment owned or controlled by Defendants have downloaded without Plaintiffs' authorization onto any computer hard drive or server owned or controlled by Defendants, and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendants' possession, custody, or control.

6. Defendants irrevocably and fully waive notice of entry of the Judgment and Permanent Injunction, and understand and agree that violation of the Judgment and Permanent Injunction will expose Defendants to all penalties provided by law, including for contempt of Court.

7. Defendants irrevocably and fully waive any and all right to appeal this Judgment and Permanent Injunction, to have it vacated or set aside, to seek or obtain a new trial thereon, or otherwise to attack in any way, directly or collaterally, its validity or enforceability.

8. Nothing contained in the Judgment and Permanent Injunction shall limit the right of Plaintiffs to recover damages for any and all infringements by Defendants of any right under federal copyright law or state law occurring after the date Defendants execute the Stipulation to Judgment and Permanent Injunction.

9. Defendants shall not make any public statements that are

inconsistent with any term of the Stipulation to Judgment and Permanent Injunction.

10. The Court shall maintain continuing jurisdiction over this action for the purpose of enforcing this final Judgment and Permanent Injunction.

**IT IS SO ORDERED.** The District Court Executive is hereby directed to enter this Order, furnish copies to counsel and the Defendants, and **CLOSE THIS FILE.**

**DATED** this 1st day of November, 2005.

s/Fred Van Sickle  
Fred Van Sickle  
United States District Judge